

MEMORANDUM

TO: Board of Public Works

FROM: Carlton Ray, Administrator Environmental Engineering – Department of Public Works

DATE: December 7, 2005

RE: Resolution No. 100-2005, A Resolution Establishing Connection Fee Waiver Eligibility

Recommendation:

Staff recommend the Board of Public works approve and adopt Resolution No.100-2005, a Resolution Establishing Connection Fee Waiver Eligibility Procedure.

Background:

The attached resolution is to provide a process by which DPW can evaluate the eligibility of those who would request relief from the Connection Fee established by the City-County Council at the level of \$2,500 per EDU.

DPW has proposed rate and fee increases to continue to address the re-capitalization, expansion, operation and maintenance, and regulatory requirements of the City's sanitary sewer system. These increases have been approved by the City-County Council.

Several developers raised concerns about the timing of DPW's Connection Fee in relation to construction that has already been initiated without knowledge of the impending Connection Fee. The developers revealed that the Connection Fee posed potential financial hardships on developers and others who did not initially contemplate this fee within the land acquisition phase of on-going developments.

**BOARD OF PUBLIC WORKS
RESOLUTION NO. 100, 2005**

**A RESOLUTION ESTABLISHING A PROCEDURE TO DETERMINE WAIVER
ELIGIBILITY REGARDING CONNECTION FEE**

WHEREAS, The Department of Public Works (DPW) has proposed a rate increase and fee package (package) to the City-County Council for approval to continue to address the re-capitalization, expansion, operation and maintenance, and regulatory requirements of the City's sanitary sewer system, and

WHEREAS, This package was approved by the City-County Council on October 31, 2005 effective on January 1, 2006, including a Connection Fee at the level of \$2,500 per Equivalent Dwelling Unit, and

WHEREAS, Some of the property development community have raised concerns about the effective date of the Connection Fee in relation to construction and or land agreements that has already been initiated without knowledge of the impending Connection Fee, and

NOW, THEREFORE, BE IT RESOLVED, in an effort to provide a fair and equitable manner in dealing with requests for a waiver of the Connection Fee, DPW has determined that the following procedure shall be used to evaluate a request for waiver of said Connection Fee:

1. A written request for a waiver of any or all of the Connection Fee must be submitted to the Director of the DPW on an appropriate form developed by DPW.
2. The request must state, with specificity, the reasons for the waiver request and include the amount of the potential connection fee that is being requested for a waiver.
3. The request must include evidence of waiver eligibility via documentation (see below) signed and dated on or before the date of the establishment of the Connection Fee (January 1, 2006).
 - i. The documentation must be presented to the Director of DPW no later than July 1, 2006.
 - ii. The Director will issue a decision regarding the acceptance or denial or comment on the form and applicability of the documentation within ten (10) days of receipt.
 - iii. Action upon an approval of the documentation presented must be done via either a lateral permit application or a sanitary sewer facility permit no later than December 31, 2007.

Decisions may be appealed to the Board of Public Works in accordance with procedures set out in Sanitary Sewer Standards.

All requests shall be submitted to the following: Pegg Warnick/STEP Coordinator
City of Indianapolis – Department of Public Works
604 N. Sherman Drive
Indianapolis, Indiana 46201

Documentation that is eligible for review:


- An executed dated Sale Contract between builder and consumer, or,
- A Deed, or Executed Land Purchase Contract (LPC) in combination with the following:
 - Site Development Plans developed by an architect, certified land surveyor, or professional engineer, or
 - Petition for Zoning, or
 - other documentation suitable to Director of DPW to show that aforementioned LPC is progressing towards construction of development that will require sanitary sewer service.

If the documentation provided is determined to be in compliance with the aforementioned requirements, a waiver or partial waiver will be granted. The Director may provide a partial waiver for applications for which only a part of the request meets the waiver eligibility requirements.

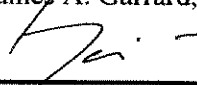
BE IT FURTHER RESOLVED, the aforementioned procedures shall also be incorporated in the subsequent adoption of the revisions of the Sanitary Sewer Standards regulations pursuant to Chapter 141 of the Revised Code of the Consolidated City of Indianapolis – Marion County.

ADOPTED this 7th day of December, 2005.

Board of Public Works



James A. Garrard, Chairperson



Kip Tew, Member



Roger Brown, Member

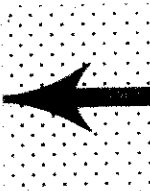


Gregory Taylor, Member




Sue Schalk, Member

, Member



ATTEST:


Kimberly Frye, Board Secretary

APPROVED AS TO FORM AND LEGALITY

R. Matt Senseny, Board Counsel
Assistant Corporation Counsel